IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.143 OF 2004
IN
WRIT PETITION NO.2677 OF 2002

New India Co-operative Bank Limited...Petitioner
Versus
Shankar B. Bangera.....Respondent
Mr.P.K. Rele i/b. Piyush Shah, for the petitioner.
Mr. N.M. Ganguli, for Respondent.

CORAM: F.I. REBELLO, J.
DATE : 24th September,2004

P.C.:

1. It is contended on behalf of the respondent that the provisions of Section 17B Industrial Disputes Act should be considered even though the present is a case under the provisions of the Bombay Industrial Relations Act. It is further contended that when this Court passed the order on 5th January, 2004 granting interim relief he was not present.

2. Section 17B of the I.D. Act by virtue of a statute is applicable to only those cases governed by the provisions of the Industrial Disputes Act, 1947. In so far as other Acts are concerned, while considering an application for interim relief it is always open to the Court to issue such directions which in law can be given on the facts of any particular case, however, Section 17B of I.D. Act is not applicable. In the instant case after the notice to the respondent, interim relief was granted. The Court did not pass any order directing continuance of or payment of any money to the respondent. As such after the order of 5th January, 2004 the present motion as filed would not be maintainable.

3. If, however, it is the case of the respondent that when interim relief was granted he was not properly served it is for him to take appropriate steps which he may be entitled

to in law. At any rate that cannot be considered in the present Motion taken out by him. For the aforesaid reason no case made out. Motion rejected.

(F.I. REBELLO, J.)